

Remarks and Arguments:

Applicant submits that the claims amendments do not constitute a new issue and do not require a new search. Claim 1 has been cancelled and claim 5 is presented as an independent claim. The dependencies of claims 2, 4, 7, 8, 10 and 13 have been suitably amended in view of the cancellation of claim 1. Claim 14 has been amended to incorporate a limitation based on that recited in claim 5. It is submitted that, as detailed below, these amendments place the application in condition for allowance. Thus Applicant respectfully requests that these amendments be entered.

Accordingly, claims 2 to 5 and 7 to 15 remain for consideration in this application. The above amendments and the following remarks are submitted as a full and complete response to the Office Action of 01/23/2007.

Anticipation of independent claims 5 and 14

The Examiner has rejected claims 1-4, 7 and 10-13 as being anticipated by US 2003/0121541A1 (Hilton et al.); and claims 1-4, 7-11 and 13 to 15 as being anticipated by US 6,932,489 (Sooferian). In response, as mentioned above, claim 1 has been cancelled, claim 5 has been written in independent form and claim 14 amended to incorporate a limitation based on that recited in claim 5. In other words, both independent claims 5 and 14 recite that "said inclined solar electricity-producing panel is angled upwardly at an angle of about 45°".

Applicant submits that neither Hilton et al. nor Sooferian teach this feature, and thus these claims are distinguishable over the cited art. It is noted that the Examiner did not reject claim 5 as being anticipated by either reference.

Obviousness of independent claim 5

The Examiner rejected claim 5 under §103(a) as being unpatentable over Sooferian. In response, firstly, it is submitted that Sooferian does not teach the recitations of a power supply in the form of a natural-looking garden element that generates power via a solar panel and outputs that power through a DC outlet to power an external device, as recited in claim 5. The advantages of such a natural looking garden feature to provide

DC power to an external device as discovered by the present inventor is not disclosed, taught or even appreciated by the cited art.

Sooferian is directed to a stepping stone having a light source therein. The stepping stone of Sooferian is a self-contained unit; the light in the stepping stone is powered via a solar panel. As such, the system of Sooferian does not include a DC outlet as recited in present claim 5. Further, there would be no motivation to add a DC outlet since the purpose of the system of Sooferian is to provide illumination of pathways at night. The purpose of Sooferian is not to provide power to any external device as is the purpose of the presently claimed invention. Sooferian relates solely to a self-contained unit wherein the solar panel powers a light integral within the unit. In contrast, the present invention is directed to a power source for providing power from an "outlet" to a "separate" component. This is a fundamental difference in use and application.

The Examiner relies on Figure 9 of Sooferian in this regard; however it is clear that Sooferian does not include a DC outlet to provide external power but a solar collector 40. Accordingly, it is submitted that Sooferian does not teach or suggest this recitation.

Further still, it is submitted that the Examiner does not suggest that the solar panel can be angled as recited in the present claims. As the Examiner agrees, Sooferian specifically teaches that the stepping stone is atop the soil/earth. The Examiner has made the unsubstantiated comment that it would be obvious to angle the solar panel because the soil/earth is uneven and angled. Upon a careful reading of Sooferian, Applicant cannot locate any teaching that the soil may be "uneven", "sloped", "angled" or "inclined". There is no teaching or suggestion that there may be problems in laying the stones of Sooferian in the soil and further that angling the solar panel may solve the problem. The Examiner has failed to provide a *prima facie* case of obviousness.

Accordingly, Applicant submits that claim 5 is not obvious at all in view of Sooferian.

Obviousness of independent claims 5 and 14

The Examiner rejected claims 5, 8 and 9 under §103(a) as being unpatentable over Hilton et al.; claim 5 under §103(a) as being unpatentable over Hilton et al. in view of US 4,980,574 (Cirrito); claims 1-15 under §103(a) as being unpatentable over Cirrito in view

of Hilton et al.; and claims 14 and 15 under §103(a) as being unpatentable over Hilton et al.

Initially, as mentioned above, each of amended independent claims 5 and 14 both recite that “said inclined solar electricity-producing panel is angled upwardly at an angle of about 45°”.

Thus, with respect to claims 5 and 14, the Examiner agrees that Hilton et al. does not teach an inclined solar panel angled at 45°, but that it would be obvious to one skilled in the art to modify Hilton et al. to angle the panel. The Examiner has not provided any basis for this argument.

In response, Applicant submits that Hilton et al. would not modify Hilton et al. to arrive at the invention defined in independent claims 5 and 14. In particular it should be noted that Hilton et al. specifically teaches that the solar cell 20 of Hilton et al. is exposed near the apex of top 45 of container 40. Hilton et al. specifically teach that this position is useful in areas where snow may accumulate atop container 40. (Paragraph [0035], lines 2 to 7).

Applicant submits that one skilled in the art reading this passage in Hilton et al. would not modify Hilton et al. to angle the solar panel to an incline of 45° as recited in present independent claims 5 and 14. Indeed, this passage in Hilton et al. actually teaches away from the presently claimed invention.

The Examiner is respectfully reminded that a reference that teaches away from a claimed invention cannot properly be used in an obvious rejection of the claimed invention. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983).

As a further submission, neither Hilton et al. nor Cirrito teach or suggest a power supply in the form of a natural-looking garden element that generates power via a solar panel and outputs that power through a DC outlet to power an external device, as recited in claims 5 and 14. In particular it is noted that the power generated by the device of Hilton et al. is provided to an integral device, namely the lighted panel. This is not an external, separate device as is in the present invention.

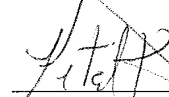
The Examiner further argues that a combination of Hilton et al. and Cirrito would lead one skilled in the art to the invention claimed in claim 5. However, again it is submitted that Hilton et al. cannot be used in an obvious rejection of claim 5 since Hilton et al. specifically and clearly teaches away from the recitation of angling the solar panel.

Dependent claims 2 to 4, 7 to 13 and 15

With respect to the Examiner's remaining rejections of the dependent claims, Applicant submits that since dependent claims 2 to 4, 7 to 13 and 15 depend either directly or indirectly from independent claims 5 and 14, and include all of the limitations of its respective parent claim. Therefore, the dependent claims are believed to be distinguishable over the cited references for at least the same reasons as those given to the respective parent claims.

Accordingly, Applicant respectfully requests a timely Notice of Allowance be issued in this case.

Respectfully submitted,



Hetal P. Kushwaha
Registration No. 58,187

MARKS & CLERK
P. O. Box 957, Station B,
Ottawa, Ontario Canada K1P 5S7
Tel: (613) 236-9561